

**Amendments to the Specification:**

Please modify the paragraph starting on page 6, line 20 and ending on page 6, line 28 as follows:

In an alternative embodiment of the invention a second method may be used to set the size of the jitter buffer at the destination based upon the setting of a predetermined field within the VoIP packet. FIG. 6 illustrates the steps used in the router where a router receives 601 a packet and the router determined 603 the link speed of the destination link. A router or other device determines the speed 605 of the destination communications link upon which the ~~VoIP~~ VoIP packet will be sent. As discussed herein, either link speed or link congestion is then used to set the congestion bit in the packet field. As known in the art, link congestion is calculated by dividing the number of bits sent per second by link speed by the speed available at the destination.

Please modify the paragraph starting on page 6, line 29 and ending on page 7, line 11 as follows:

If the speed of the communications link is above some predetermined threshold, then the packet is forwarded 609 towards its destination. Alternatively if the congestion of the link is calculated to be below a predetermined threshold, then the packet is forwarded 609 toward its destination. However, if the link speed is below the threshold level due to a lesser than optimum destination link speed, or the calculated congestion is higher than the threshold level due to a congested link, a congestion field and/or bit is set 607 with the VoIP packet. The bit may be set to a specific numeric value called the congestion value based up on the link speed or congestion determined by the router. Once the router forward the VoIP packet towards its destination, this ends 611 the necessity of the router to set this congestion field until a subsequently packet is received. Those skilled in the art will recognize that although the destination link speed is used in this example, the link speed of the immediately preceding router might be known as well. Thus, the speed over the immediately preceding link might also be ~~sued~~ used to set the congestion field.